



PATENT
Attorney Docket No.: PTI-001CN

Gp 11623/8
17/148
2-12-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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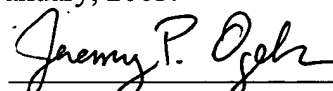
FEB 05 2003

TECH CENTER 1600/290

APPLICANT: Kornblith
SERIAL NO.: 09/040,161 GROUP NO.: 1623
FILING DATE: March 17, 1998 EXAMINER: Gitomer, R.
TITLE: Method for Preparing Cell Cultures from Biological
Specimens for Chemotherapeutic and Other Assays

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, Washington, DC 20231 on this 31th day of January, 2003.


Jeremy P. Occek

Commissioner for Patents
Washington, D.C. 20231

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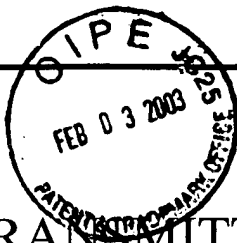
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Sir:

Submitted herewith are:

BOARD OF PATENT APPEALS
AND INTERFERENCES

1. Supplemental Information Disclosure Statement (2 pgs.);
2. Form PTO-1449 (3 pgs.);
3. Copies of References as Cited A1-A16, B1 and C1-C30;
4. Transmittal Form (1 pg.);
5. Fee Transmittal (1 pg.);
6. Check in the amount of \$180.00; and
7. Return Receipt Postcard.



TRANSMITTAL FORM

Application Serial Number	09/040,161
Filing Date	March 17, 1998
First Named Inventor	Kornblith
Group Art Unit	1623
Examiner Name	Gitomer, R.
Attorney Docket No.	PTI-001CN
Patent No.	Not applicable
Issue Date	Not applicable

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TECH CENTER 1600/2900

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets <u> </u>]	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal	<input type="checkbox"/> Status Inquiry
<input checked="" type="checkbox"/> Supplemental Information Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations	<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
	<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
	<input type="checkbox"/> CD(s) for large table or computer program	
	<input type="checkbox"/> Amendment After Allowance	
	<input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	

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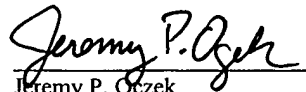
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BOARD OF PATENT APPEALS
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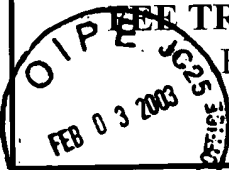
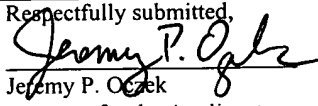
CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

Respectfully submitted,

Jeremy P. Occek
Attorney for Applicant
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110

Date: January 31, 2003
Reg. No. 50,794
Tel. No.: (617) 310-8158
Fax No.: (617) 248-7100

FEE TRANSMITTAL FY 2002		Complete if Known																																																																													
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1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>130</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>130</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>2,520</td><td>2,520</td><td>Request for ex parte reexamination</td><td></td></tr> <tr><td>110</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>400</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>920</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1440</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1960</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>320</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>320</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>280</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>130</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>180</td><td>180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>740</td><td>370</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>740</td><td>370</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>100</td><td>100</td><td>Certificate of Correction for applicant's error</td><td></td></tr> <tr><td></td><td></td><td>Other fee (Specify)</td><td>\$ 180.00</td></tr> </tbody> </table>		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte reexamination		110	55	Extension for reply within first month		400	200	Extension for reply within second month		920	460	Extension for reply within third month		1440	720	Extension for reply within fourth month		1960	980	Extension for reply within fifth month		320	160	Notice of Appeal		320	160	Filing a brief in support of an appeal		280	140	Request for oral hearing		130	130	Petitions to the Commissioner		180	180	Submission of Information Disclosure Statement		740	370	Filing a submission after final rejection (37 CFR 1.129(a))		740	370	For each additional invention to be examined (37 CFR 1.129(b))		100	100	Certificate of Correction for applicant's error				Other fee (Specify)	\$ 180.00
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2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.																																																																															
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Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100		Date: January 31, 2003 Reg. No.: 50,794 Tel. No.: (617) 310-8158 Fax No.: (617) 248-7100 Respectfully submitted,  Jeremy P. Ozek Attorney for the Applicant Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110																																																																													



PATENT
Attorney Docket No.: PTL-001CN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Kornblith
SERIAL NO.: 09/040,161 **GROUP NO.:** 1623
FILING DATE: March 17, 1998 **EXAMINER:** Gitomer, R.
TITLE: Method for Preparing Cell Cultures from Biological Specimens for Chemotherapeutic and Other Assays

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TECH CENTER 1600/2900

Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449 for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

REMARKS

This application is on appeal at the Board of Patent Appeals and Interferences.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

Applicants have enclosed the requisite petition fee under 37 C.F.R. 1.17(p) of \$180.00.

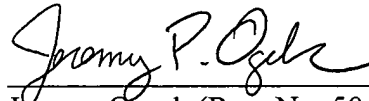
02/04/2003 SSESHE1 00000062 09040161

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180.00 0P

However, should further payment be necessary, the Director is hereby authorized to charge any such fee to Deposit Account No. 20-0531.

Respectfully submitted,



Jeremy Ocze (Reg. No. 50,794)

Attorney for Applicant

TESTA, HURWITZ, & THIBEAULT, LLP

High Street Tower

125 High Street

Boston, Massachusetts 02110

Date: January 31, 2003

Tel. No.: (617) 310-8158

Fax No.: (617) 248-7100

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FORM PTO - 1449

INFORMATION DISCLOSURE STATEMENT

ATTORNEY DOCKET NO.: PTI-001CN

APPLICANT: Kornblith

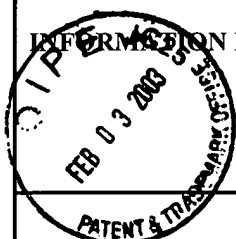
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FILING DATE: March 17, 1998 GROUP: 1623

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U.S. PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A1	4,423,145	12-27-1983	Stampfer <i>et al.</i>	435	32	
	A2	4,668,618	05-26-1987	Thorntwaite	435	6	
	A3	4,937,187	05-26-1990	Rotman	435	30	
	A4	5,242,806	09-07-1993	Yen-Maguire <i>et al.</i>	435	32	
	A5	5,270,172	12-14-1993	Morgan	435	29	
	A6	5,443,950	08-22-1995	Naughton <i>et al.</i>	435	1	
	A7	5,607,918	03-04-1997	Eriksson <i>et al.</i>	514	12	
	A8	5,728,541	03-17-1998	Kornblith	435	29	
	A9	5,789,158	08-04-1998	Knowles <i>et al.</i>	435	6	
	A10	5,874,218	02-23-1999	Drolet <i>et al.</i>	435	6	
	A11	5,888,765	03-30-1999	Patterson <i>et al.</i>	435	69.1	
	A12	5,942,385	08-24-1999	Hirth	435	4	
	A13	5,972,639	10-26-1999	Parandoosh	435	29	
	A14	6,020,473	02-01-2000	Keyt <i>et al.</i>	536	23.1	
	A15	6,335,170	01-01-2002	Orntoft	435	6	
	A16	6,416,967	07-09-2002	Kornblith	435	29	

BOARD OF PATENT APPEALS
AND INTERFERENCES

FEB 11 2003

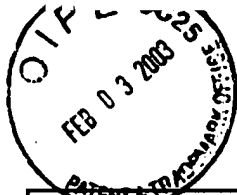
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FOREIGN PATENT DOCUMENTS

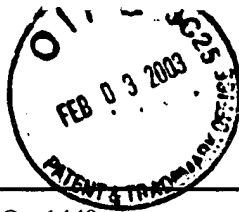
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG
	B1	WO 96/10742	04-11-1996	WO					

OTHER ART, JOURNAL ARTICLES, ETC.

EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)								
	C1	Alley, M., "Morphometric and Colorimetric Analyses of Human Tumor Cell Line Growth and Drug Sensitivity in Soft Agar Culture," Cancer Research, vol. 51, pp. 1247-1256 (1991).							
EXAMINER					DATE CONSIDERED				



FORM PTO - 1449		ATTORNEY DOCKET NO.: PTI-001CN
INFORMATION DISCLOSURE STATEMENT		APPLICANT: Kornblith
		SERIAL NO.: 09/040,161
		FILING DATE: March 17, 1998 GROUP: 1623
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)	
	C2	Andreotti, P., "TCA-100 Tumour Chemosensitivity Assay: Differences in Sensitivity between Cultured Tumour Cell Lines and Clinical Studies," J Biolumin Chemilumin, vol. 9, pp. 373-378 (1994).
	C3	Broadley, C., et al., "A Tissue-Culture Model for the Study of Canine Vocal Fold Fibroblasts," Laryngoscope, vol. 105, no. 1, pp. 23-27 (1995).
	C4	Burczynski, M., et al., "Toxicogenomics-Based Discrimination of Toxic Mechanism in HepG2 Human Hepatoma Cells," Toxicological Sciences, vol. 58, no.2, pp. 399-415 (2000).
	C5	Cilley, R., et al., "Fetal Lung Development: Airway Pressure Enhances the Expression of Developmental Genes," Journal of Pediatric Surgery, vol. 35, no. 1, pp. 113-119 (2000).
	C6	Dietel, M., et al., "In Vitro Prediction of Cytostatic Drug Resistance in Primary Cell Cultures of Solid Malignant Tumours," Eur J Cancer, vol. 29A, no. 3, pp. 416-420 (1993).
	C7	Dudley, D., et al., "A Human Endometrial Explant System: Validation and Potential Applications," Am J Obstet Gynecol, vol. 167, no.6, pp. 1774-1780 (1992).
	C8	Frykholm, G., et al., "Heterogeneity in Antigenic Expression and Radiosensitivity in Human Colon Carcinoma Cell Lines," In Vitro Cell Dev. Biol., vol. 27A, pp. 900-906 (1991).
	C9	Fulda, S., et al., "Antiproliferative Potential of Cytostatic Drugs on Neuroblastoma Cells <i>In Vitro</i> ," Eur J of Cancer, vol. 31A, no. 4, pp. 616-621 (1995).
	C10	Gamboa, G., et al., "Characterization and Development of UCI 107, a Primary Human Ovarian Carcinoma Cell Line," Gynecologic Oncology, vol. 58, pp. 336-343 (1995).
	C11	Ghosh, A., et al., "Immunohistological Staining of Reactive Mesothelium, Mesothelioma, and Lung Carcinoma with a Panel of Monoclonal Antibodies," J Clin Pathol, vol. 40, pp 19-25 (1987).
	C12	Goldsworthy, T., et al., "Concepts, Labeling Procedures, and Design of Cell Proliferation Studies Relating to Carcinogenesis," Environmental Health Perspectives, vol. 101, supp. 5, pp. 59-66 (1993).
	C13	Gress, T., et al., "Development of a Database on Transcribed Sequences in Tumour Cells and Identification of Changes in Transcription Patterns Related to Transformation and Other Tumour Cell Properties for the Global Finger Printing Analysis of Human Pancreatic Carcinoma cDNA Libraries," Biomedl. Health Res., vol. 24, pp. 171-181 (1998).
	C14	Hoffman, R., "The Three-Dimensional Question: Can Clinically Relevant Tumor Drug Resistance be Measured <i>In Vitro</i> ?" Cancer and Metastasis Reviews, vol. 13, no. 2, pp. 169-173 (1994).
	C15	Kaaijk, P., et al., "Daunorubicin and Doxorubicin but not BCNU have Deleterious Effects on Organotypic Multicellular Spheroids of Gliomas," British Journal of Cancer, vol. 74, no. 2, pp. 187-193 (1996).
	C16	Kitamura, M., et al., "Chemosensitivity of Gastric Cancer Using Adhesive Tumor Cell Culture System," Oncology Reports, vol. 2, no. 1, pp. 27-31 (1995).
EXAMINER		DATE CONSIDERED



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FEB 15 2003

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	C17	Kornblith, P., "Role of Tissue Culture in Prediction of Malignancy," Clinical Neurosurgery, vol. 25, pp. 346-376 (1978).	
	C18	Kornblith, P., et al., "Variations in Response of Human Brain Tumors to BCNU <i>In Vitro</i> ," Journal of Neurosurgery, vol. 48, no. 4, pp. 580-586 (1978).	
	C19	Nance, K., et al., "Immunocytochemical Panel for the Identification of Malignant Cells in Serous Effusions," Am J Clin Pathol, vol. 95, pp. 867-874 (1991).	
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